ATTACHMENT I

EPSTEIN, COHEN & GILBERTI
A LIMITED LIABILITY COMPANY

COUNSELORS AT LAW

SUITE 101
25 SYCAMORE AVENUE
LITTLE SILVER, NEW JERSEY 07739

MICHAEL V. GILBERTI*
DAVID M. EPSTEIN
SANDRA L. COHEN

T: (732) 212-0400
F: (732) 212-8408
E: ATTORNEY@ECG-LAW.COM

*CERTIFIED BY THE SUPREME COURT OF NEW JERSEY
AS A CRIMINAL TRIAL ATTORNEY

FILE NO.:

April 28, 2014

Office of Clerk
United States Court of Appeals
21400 United States Courthouse
601 Market Street
Philadelphia, PA 19106-1790
Attention: Caitlyn

Re: **United States v. Daniel Jenkins**
         Case No. 14-1825
         Dist Case No.: 2-13-cr-00646-001

Dear Caitlyn:

We have received your letter, dated April 22, 2014, relating to our appearance. We request your guidance in proceeding.

I represented Mr. Jenkins in the underlying case, which resulted in a guilty plea under a negotiated plea agreement. In the plea agreement, Mr. Jenkins waived his right to appeal. Nonetheless, after his sentencing, Mr. Jenkins filed his notice of appeal *pro se*, and based on communications from him and his family, it was my understanding that he would be proceeding *pro se*.
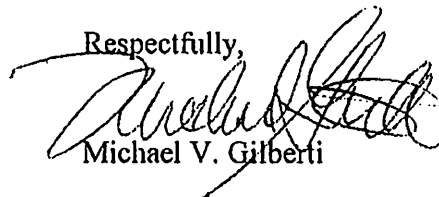
After we received the call, assigning us as CJA counsel for Mr. Jenkins, I went back to the file and reviewed the plea agreement and its waiver language. As the attorney who negotiated the plea and based upon the Court Rules and ethical considerations, I am reluctant to take action contrary to the agreement, including filing an appearance.

EPSTEIN, COHEN & GILBERTI
A LIMITED LIABILITY COMPANY

COUNSELORS AT LAW

Clerk
April 28, 2014
Page 2

Of course, if the Court directs, I will appear and will represent him. Please let me know the Court's position. Thank you for your guidance.

Respectfully,

Michael V. Gilberti

MVG/pe
cc: Mark E. Coyne, Esq.
       Glenn J. Moramarco, Esq.
       Daniel Jenkins